

SHERIFF'S ENTRY OF SERVICE

SC-85-2

CLYDE CASTLEBERRY CO., COVINGTON, GA 30015

Civil Action No.

12CV60849

Superior Court ☒State Court ☐Juvenile Court ☐Magistrate Court ☐Probate Court ☐

Date Filed

August 29, 2012

Georgia

Baldwin

COUNTY

Nathaniel Tate

Attorney's Address

Mr. Jesse L. Vaughn, Esq.
109 W. Hicks Street
Callahan, Ga. 30701

Name and Address of Party to be Served.

Nuts Logistics, L.L.C. by & through
their Agent, Andrew J. Kirchner,
17448 Aluckin Road
Nashville, TN 62263

VS.

Nuts Logistics, L.L.C. and
TKT Inc. d/b/a Kurrentberns
Truck Service

Plaintiff

Defendant

Garnishee

SHERIFF'S ENTRY OF SERVICE

PERSONAL

I have this day served the defendant _____ personally with a copy
☐ of the within action and summons.

NOTORIOUS

I have this day served the defendant _____ by leaving a
 copy of the action and summons at his most notorious place of abode in this County.

☐ Delivered same into hands of _____ described as follows:
 age, about _____ years; weight _____ pounds; height, about _____ feet and _____ inches, domiciled at the residence of
 defendant.

CORPORATION

Served the defendant _____ a corporation
☐ by leaving a copy of the within action and summons with _____
 in charge of the office and place of doing business of said Corporation in this County.

TACK & MAIL

☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said
 affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the
 defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the
 place stated in the summons.

NON EST

☐ Diligent search made and defendant _____
 not to be found in the jurisdiction of this Court.

This _____ day of _____, 20 _____.

DEPUTY

SHERIFF DOCKET _____ PAGE _____

WHITE-CLERK CANARY-PLAINTIFF PINK-DEFENDANT

EXHIBIT A

IN THE SUPERIOR COURT OF GORDON COUNTY
STATE OF GEORGIA

NATHANIEL TATE,

Plaintiff,

VS.

NOTS LOGISTICS, L.L.C. and TKT, INC. d/b/a
NORRENBURNS TRUCK SERVICE
Defendant.

CIVIL ACTION

FILE NO. **12CV**

60849

SUMMONS

TO THE ABOVE NAMED DEFENDANT: NOTS LOGISTICS, L.L.C.

You are hereby summoned and required to file with the Clerk of said Court and serve upon the Plaintiffs' attorney, whose name and address is:

Jesse L. Vaughn, Esq.
VAUGHN & CLEMENTS, LLC.
109 W. Hicks Street
Calhoun, Georgia 30701
(706) 602-0081

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 29th day of August, 2012.

CLERK OF SUPERIOR COURT

Gabriel Hall

By: _____

09/10/12 12:00 PM
JLH 7/2

IN THE SUPERIOR COURT OF GORDON COUNTY
STATE OF GEORGIA

FILED
CLERK SUPERIOR CT.
GORDON COUNTY

AUG 29 2012

NATHANIEL TATE,

Plaintiff,

VS.

NOTS LOGISTICS, L.L.C. and TKT, INC. d/b/a

NORRENBURNS TRUCK SERVICE

Defendant.

CIVIL ACTION
FILE NO.: **BRIAN BRANNON**

60849
12CV

COMPLAINT FOR DAMAGES

COMES NOW Nathaniel Tate, Plaintiff, in the above styled action and makes this Complaint against Defendants, NOTS Logistics, L.L.C. And TKT, Inc. d/b/a Norrenberns Truck Service and in support of his claims shows this honorable Court as follows:

-1-

Nathaniel Tate is a resident of Gordon County, Georgia.

-2-

Defendant TKT, Inc. d/b/a Norrenberns Truck Service operated a trucking and warehousing business in Calhoun, Georgia on River Street and Plaintiff was its employee at this location. (Hereinafter TKT) TKT, Inc. may be served through its registered agent Timothy L. Kirchner at 17848 Mockingbird Road Nashville, Illinois 62263.

-3-

Defendant NOTS Logistics, L.L.C. operates a trucking and warehousing business under the name NOTS Logistics, LLC at 720 River Street Calhoun, Georgia 30701. (Hereinafter NOTS) NOTS

may be served through its registered agent Andrew J. Kirchner at 17848 Mockingbird Road Nashville, Illinois 62263 or to its manager at its location on River Street in Calhoun, Georgia. Therefore, jurisdiction and venue of these claims is proper in this Court. TKT and NOTS collectively shall hereinafter be called "Defendants."

-4-

Plaintiff, Nathaniel Tate, worked for Defendants from August 14, 2006 up to and through January 20, 2012.

-5-

Plaintiff was an "employee" as defined by Fair Labor Standards Act in 29 U.S.C. § 203(e).

-6-

Plaintiff's labor and job responsibilities were of a type not exempt from the wage and hour requirements of the FLSA.

-7-

Plaintiff's labor and job responsibilities were performed within the last three years.

-8-

Plaintiff has executed the proper "Consent to be a Party Plaintiff" required by law and attached it hereto as Exhibit A.

-9-

During the period in which Plaintiff worked for Defendant, in particular during the relevant time period under the FLSA, Plaintiff was to be paid on an hourly basis for his work.

-10-

During his employment with Defendant and during the relevant period of time Plaintiff worked an amount of time that was more than forty (40) hours per workweek and was not paid any overtime wage differential.

-11-

Defendants are private employers engaged in interstate commerce and their gross revenues exceed \$500,000.00 per year.

-12-

Defendants never paid Plaintiff time and a half for the hours he worked that would qualify as overtime, but instead always paid him by the hour at the set regular hourly wage.

-13-

Defendants each qualify as an "employer" under 29 U.S.C. §203(d).

-14-

Plaintiff has brought this action to obtain full and complete relief and to redress the unlawful employment practices described herein. All of the foregoing facts and allegations are to be considered realleged in each count brought below.

COUNT I FLSA VIOLATIONS

-15-

These claims may be brought in this Court pursuant to....

-16-

Defendants have violated FLSA §7, 29 U.S.C. § 207, by failing to pay overtime wages for time that Plaintiff worked in excess of forty hours in a workweek.

-17-

Plaintiff seeks relief under the FLSA §16, 29 U.S.C. §216, and seeks to recover the overtime wage differential, liquidated damages in an equal amount to the differential, attorneys' fees, and the costs of this litigation.

COUNT II BREACH OF EMPLOYMENT CONTRACT

-18-

The hiring of Plaintiff by Defendants to perform work for pay constitutes a contract even if its specific terms were not reduced to writing.

-19-

Implicit in such a contract is that it will conform with the laws of the United States and the State of Georgia.

-20-

By failing to pay Plaintiff as required by law Defendant breached its contract with Plaintiff.

-21-

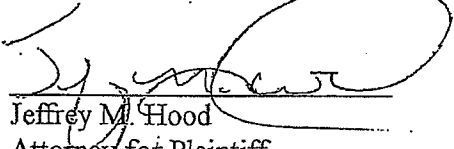
Plaintiff seeks all remedies and damages available to him by Georgia law.

WHEREFORE, Plaintiff respectfully requests that this Court:

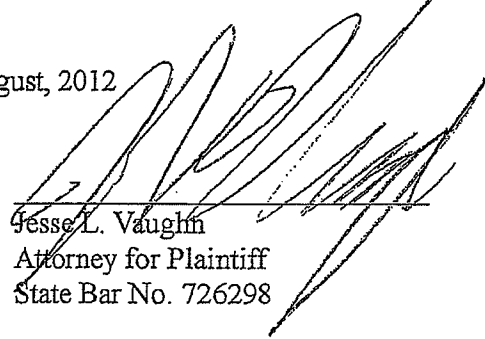
- 1.) Issue Summons and Process to require Defendants to show cause why Plaintiff's prayers for relief herein should not be granted, and;
- 2.) Enter judgment awarding Plaintiff unpaid wages pursuant to the FLSA §7, 29 U.S.C. §207, FLSA § 6, 29 U.S.C. § 206(d), liquidated damages as provided by 29 U.S.C. §216, pre-judgment interest on unpaid wages pursuant to 29 U.S.C. §216, and court costs, expert witness fees, reasonable attorneys' fees as provided under FLSA §16 and all other remedies allowed under the FLSA, and;

- 3.) Enter judgment against Defendants for Breach of Contract and award damages as allowed by law, and ;
- 4.) Award Plaintiff such further and additional relief as may be just and appropriate.

Respectfully Submitted this 28th day of August, 2012



Jeffrey M. Hood
Attorney for Plaintiff
State Bar No.



Jesse L. Vaughn
Attorney for Plaintiff
State Bar No. 726298

CONSENT TO BECOME PARTY PLAINTIFF

By my signature below, I represent to the court that I do hereby
authorize the filing and prosecution of the Fair Labor Standards Act action,
to wit:

in my name.

Nathaniel Tate

Signature

Nathaniel Tate

Print Name

482 Floyd Springs Rd

Mailing Address

Armuchee, GA 30105

City, State, Zip

770-324-4221

Telephone Number

256-41-5532

Social Security Number

Brunt & Hood, LLC
Attorneys at Law
118 Court Street
Calhoun, Georgia 30701
706-602-0602

Vaughn & Clements, LLC
109 West Hicks Street
Calhoun, Georgia 30701
(706) 602-0081

SHERIFF'S ENTRY OF SERVICE

SC-85-2

CLYDE CASTLEBERRY CO., COVINGTON, GA 30015

Civil Action No.

12CV60849

Date Filed

August 29, 2012

Superior Court ☒State Court ☐Juvenile Court ☐Magistrate Court ☐Probate Court ☐Georgia, London COUNTYNathaniel Tate

Plaintiff

VS.

Nuts Logistics, L.L.C. andTKT Inc. d/b/a Norrenbens
Truck Service

Defendant

Attorney's Address

Mr. Jesse L. Vaughn, Esq.
109 W. Hicks Street
Calhoun, Georgia 30701

Name and Address of Party to be Served.

TKT Inc. d/b/a Norrenbens TruckService by/through Their Registered AgentTimothy L. Kitchner, 17848 Aluckin Road.
Minneapolis, IL 62263

Garnishee

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Defendant.

CIVIL ACTION

FILE NO.:

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Jesse L. Vaughn, Esq.
VAUGHN & CLEMENTS, LLC.
109 W. Hicks Street
Calhoun, Georgia 30701
(706) 602-0081

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This 29th day of August, 2012.

CLERK OF SUPERIOR COURT

Gabriel Hall

By: _____

8/15/12 1250 PM
JA 8/17/12

IN THE SUPERIOR COURT OF GORDON COUNTY
STATE OF GEORGIA

FILED
CLERK SUPERIOR CT.
GORDON COUNTY

AUG 29 2012

NATHANIEL TATE,

Plaintiff,

CIVIL ACTION

BRIAN BRANNON

FILE NO.:

VS.

NOTS LOGISTICS, L.L.C. and TKT, INC. d/b/a

NORRENBURNS TRUCK SERVICE

Defendant.

60849
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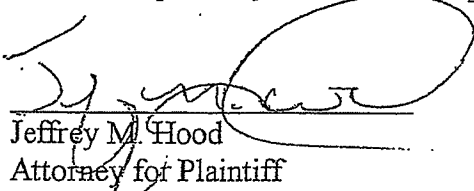
Plaintiff seeks all remedies and damages available to him by Georgia law.

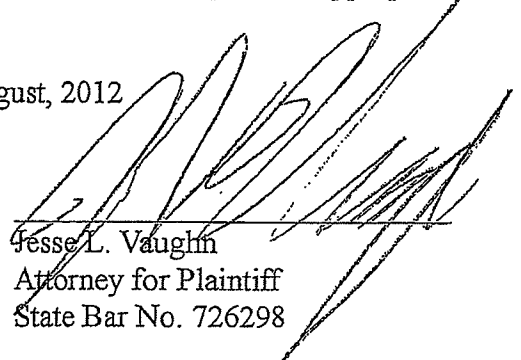
WHEREFORE, Plaintiff respectfully requests that this Court:

- 1.) Issue Summons and Process to require Defendants to show cause why Plaintiff's prayers for relief herein should not be granted, and;
- 2.) Enter judgment awarding Plaintiff unpaid wages pursuant to the FLSA §7, 29 U.S.C. §207, FLSA § 6, 29 U.S.C. § 206(d), liquidated damages as provided by 29 U.S.C. §216, pre-judgment interest on unpaid wages pursuant to 29 U.S.C. §216, and court costs, expert witness fees, reasonable attorneys' fees as provided under FLSA §16 and all other remedies allowed under the FLSA, and;

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Respectfully Submitted this 28th day of August, 2012


Jeffrey M. Hood
Attorney for Plaintiff
State Bar No.


Jesse L. Vaughn
Attorney for Plaintiff
State Bar No. 726298

CONSENT TO BECOME PARTY PLAINTIFF

By my signature below, I represent to the court that I do hereby
authorize the filing and prosecution of the Fair Labor Standards Act action,
to wit:

in my name.

Nathaniel Tate

Signature

Nathaniel Tate

Print Name

482 Floyd Springs Rd

Mailing Address

Armuchee, GA 30105

City, State, Zip

770-324-4221

Telephone Number

256-41-5532

Social Security Number

Brunt & Hood, LLC
Attorneys at Law
118 Court Street
Calhoun, Georgia 30701
706-602-0602

Vaughn & Clements, LLC
109 West Hicks Street
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(706) 602-0081